

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN GENE MARSH,

Defendant-Appellant.

UNPUBLISHED

September 19, 1997

No. 191638

Otsego Circuit Court

LC No. 94-001967-FH

Before: O'Connell, P.J., and Smolenski and T.G. Power*, JJ.

PER CURIAM.

Defendant pleaded guilty to violating his probation and was sentenced to thirty-two to sixty months' imprisonment. Defendant appeals as of right. We affirm.

Defendant challenges the proportionality of his sentence. However, defendant has already been paroled. Thus, we decline to address this issue because it is moot. *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995); *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Affirmed.

/s/ Peter D. O'Connell

/s/ Michael R. Smolenski

Judge Thomas G. Power not participating.

* Circuit judge, sitting on the Court of Appeals by assignment.